

AMENDMENTS TO THE DRAWINGS

Please cancel Fig. 64 and place in its stead the replacement Fig. 64 shown on the attached Replacement Drawing Sheet. Support for the subject matter of replacement Fig. 64 is discussed in the Remarks. Applicants respectfully submit that the Replacement Drawing Sheet containing replacement Fig. 64 does not add new matter.

Attachment: One Replacement Drawing Sheet containing replacement Fig. 64.

REMARKS

Claims 22-34, 36-38, 54-59, and 78-133 are pending in the Application. Claims 22-34, 36-38, 54-59, 78-95, and 122-129 stand rejected and claims 96-121 and 130-133 stand withdrawn, in the Office action mailed November 18, 2010. Claims 20, 30-38, 54, 78-86, 90-92, 14, and 128 are amended and claims 123, 125, 127, and 129 are cancelled by this response. Claims 22, 30, 54, and 78 are independent claims. Claims 23-29, 87-89, and 122, claims 31-34, 36-38, 90-92, and 124, claims 55-59, 93-95, and 126, and claims 79-86, and 128 depend, respectively, from independent claims 22, 30, 54, and 78.

Applicants respectfully request reconsideration of claims 22-34, 36-38, 54-59, 78-95, 122, 124, 126, and 128, in view of the amendments set forth above, in light of the arguments that follow.

Objections to the Specification

The instant Office action objects to the paragraph related to “Fig. 64” added to the section titled “BRIEF DESCRIPTION OF THE DRAWINGS” at page 26 of the Application, and the paragraph related to “Fig. 64” added to the section titled “DETAILED DESCRIPTION OF THE INVENTION” at page 320 of the Application, by amendment in the response filed July 22, 2009 under 35 U.S.C. §132(a). The Office states, in part, that “[t]he added material ... is not supported by the original disclosure....” See Office action at pages 2-3. Applicants respectfully disagree.

Nevertheless, Applicants have cancelled the two paragraphs added in the response of July 22, 2009, and hereby respectfully request entry of corresponding replacement paragraphs, shown above. Support for the subject matter disclosed in the two replacement paragraphs may be found, at least, at page 254, line 12 to page 264, line 18; at page 271, line 12 to page 277, line 9; and at page 288, line 16 to page 289, line 9. Applicants respectfully submit that the language of the replacement paragraphs are fully supported by the above-cited portions of the original disclosure filed January 16, 2004, and that the replacement paragraphs do not add new matter. Applicants

respectfully request that the objection to the Specification be reconsidered and withdrawn.

Objections to Drawings

The instant Office action objects to “Fig. 64” of the drawings, which was added by amendment in the response filed July 22, 2009. The Office states, in part, that “[t]he original disclosure does not support a single embodiment of a portal [sic, portable] terminal containing all of the elements of Figure 64.” See Office action at page 3. Applicants respectfully disagree.

Nevertheless, Applicants have cancelled Fig. 64 previously added in the response of July 22, 2009, and hereby respectfully submit a replacement drawing sheet containing a replacement Fig. 64, which is attached. Support for the subject matter disclosed in replacement Fig. 64 may be found, at least, at page 254, line 12 to page 264, line 18; at page 271, line 12 to page 277, line 9; and at page 288, line 16 to page 289, line 9. Applicants respectfully submit that the contents of the replacement drawing sheet containing replacement Fig. 64 is fully supported by the above-cited portions of the original disclosure filed January 16, 2004, and that replacement Fig. 64 merely conforms the drawings to the Specification. Applicants further respectfully submit that replacement Fig. 64 is in compliance with 37 C.F.R. §1.121(d), and that the replacement drawing sheet containing replacement Fig. 64 does not add new matter. Applicants respectfully request that the objection to the drawings be reconsidered and withdrawn.

Rejections of Claims

Claims 22-34, 36-38, 54-59, 78-95, and 122-129 were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully traverse the rejections for the reasons set forth during prosecution, and further for the reasons that follow. Applicants respectfully note that claims 123, 125, 127, and 129 have been cancelled. The Office asserts, in part, at page 5:

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With specific regard to independent claim 22, the Office states, in part, at page 5:

In claim 22 lines 13-15, the limitation "a second receiver supporting a short range wireless communication link, the portable terminal device transmitting, via the wireless packet network, digital voice packets created using digitized voice information received by the second receiver" was not described in the original disclosure, and thus constitutes new matter. Furthermore, in lines 16-22, the limitation "wherein the portable terminal device evaluates a message wirelessly received from the base station and sends to the base station an indication of a data rate based on the evaluation; and wherein the portable terminal device receives digital voice packets transmitted by the base station at a data rate selected by the base station based upon the indication of a data rate" was not described in the original disclosure, and thus constitutes new matter.

Applicants respectfully disagree with the assertions of the Office.

Nevertheless, in an effort to further prosecution, Applicants have amended claim 22 to delete the text identified by the Office. Notwithstanding, Applicants expressly reserve the right to resubmit the text identified by the Office, and otherwise argue Applicants' support therefore. Claim 22 has also been amended to include additional aspects supported by Applicants' disclosure, and now recites, in part, "wherein the portable terminal device transmits a request for information identifying a remote system accessible to the portable terminal device via the wireless packet network, the remote system operable to, at least, communicatively couple the portable terminal device to a public telephone network," "wherein the portable terminal device, upon receiving the requested information, initiates a call connection through the remote system to a subscriber on the public telephone network, using the requested information," and "wherein the portable terminal device begins communicating digital voice packets to the

remote system upon receiving a message indicating establishment of a call connection with the subscriber.” Claims 30, 54, and 78 have been amended to recite similar features. Support for these amendments may be found, for example, at page 254, line 12 to page 264, line 18; at page 271, line 12 to page 277, line 9; and at page 288, line 16 to page 289, line 9. Applicants respectfully submit that pending claims 22-34, 36-38, 54-59, 78-95, 122, 124, 126, and 128 are supported by Applicants’ disclosure, as required by 35 U.S.C. §112, first paragraph, and respectfully request that the rejection of claims 22-34, 36-38, 54-59, 78-95, 122, 124, 126, and 128 under 35 U.S.C. §112, first paragraph, be reconsidered and withdrawn.

Rejections over Prior Art

Applicants respectfully submit that there are no pending rejections of claims over the prior art. The Office has not shown where any combination of art of record in the Application renders pending claims 22, 30, 54, and 78, or any claims that depend therefrom, unpatentable for reasons of either anticipation or obviousness. Applicants respectfully submit that the prior art of record, taken alone or in combination, does not teach, suggest, or otherwise render claims 22, 30, 54, and 78, or any claims that depend therefrom, either anticipated or obvious, and that claims 22, 30, 54, and 78, and their respective dependent claims are allowable.

Conclusion

In general, the Office Action has made various statements regarding the claims and the cited references during the course of prosecution that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicants believe that all of pending claims 22-34, 36-38, 54-59, 78-95, 122, 124, 126, and 128 are in condition for allowance. Therefore, allowance of claims 22-34, 36-38, 54-59, 78-95, 122, 124, 126, and 128 is respectfully requested.

The Commissioner is hereby authorized to charge any fees required by this submission to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000 to resolve any issues.

Respectfully submitted,

Dated: March 10, 2010
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